

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the thorough review of the present application. Based upon the amendments, the following remarks and the filing of the request for continued examination, Applicants respectfully request reconsideration of the present application and allowance of the pending claims.

#### **The Present Invention**

The present invention includes a method and system for selectively implementing and enforcing Authentication, Authorization and Accounting (AAA) of users accessing a network via a gateway device. According to the present invention, a user may first be authenticated to determine the identity of the user. The authentication capability of the system and method of the present invention can be based upon a user ID, computer, location, or one or more additional attributes identifying a source (e.g., a particular user, computer or location) requesting network access. *The authentication process is completed without the host computer being in a pre-assigned relationship with the gateway device based on pre-defined protocols and requires no additional software be installed on the host computer in order to access the network via the gateway device.* Once authenticated, an authorization capability of the system and method of the present invention is customized based upon the identity of the source, such that sources have different access rights based upon their identity, and the content and/or destination requested. For instance, access rights permit a first source to access a particular Internet destination address, while refusing a second source access to that same address.

#### **35 U.S.C. § 102 (b) Rejections**

Claims 1-3, 6-11, 14-16 stand rejected as being anticipated by United States Patent No. 5,113,499, issued to Ankney et al. (the '499 Ankney patent).

According to the Office Action, the '499 Ankney patent teaches all of the elements of independent Claim 1, specifically:

A method for selectably controlling and customizing source access to a network, wherein the source is associated with a source computer (**Column 1, lines 12-18**) comprising:

receiving at the gateway device a request from the source computer for access to the network, and wherein the source computer has transparent access (**Column 6, lines 28-29**) to the network (**Figure 3, Column 1, lines 7-11**) via a gateway device (**Column 5, lines 46-50**) and no configuration software need be installed on the source computer (**Column 7, lines 3-19**) to access the network, (**Column 5, lines 46-50**)

identifying an attribute associated with the source based upon a packet transmitted from the source computer and received by the gateway device (**Column 1, lines 24-27** and **Column 5, lines 46-57**);

accessing a source profile corresponding to the source and stored in a source profile database, wherein the source profile is accessed based upon the attribute, and wherein the source profile database is located external to the gateway device and in communication with the gateway device (**Figure 3, Column 5, lines 58-67** and **Column 7, lines 40-44**), and

determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access the network (**Column 6, lines 29-32**).

The '499 Ankney Patent Does Not Teach a Source Computer that has Access to the Network via a Gateway Device Without Requiring a Pre-Assigned Relationship Based on Pre-Defined Protocols

The '499 Ankney patent teaches at Column 6, lines 26-47, the *assembly of data at the user's terminal into a CR packet*. Assembly of the data at the user's terminal into a CR packet necessitates that a pre-assigned relationship must exist between the user's terminal and the network. Specifically, the user's terminal must support a specific protocol, i.e., call request protocol, in order to access the network. See the paragraph at beginning at Column 16, line 3,

which describes the call request protocol ID in terms of X.25 or X.29 protocols. In this regard, the user's terminal that accesses the network in the '499 Ankney patent is a static device and the packet switch in the '499 Ankney patent provides static authentication, i.e., authentication is limited to authentication of the host computer that has the pre-assigned relationship. This means that in order for a user's terminal to be granted authentication, the user's terminal must support the call request protocol.

Independent Claims 1, 10 and 17 have been amended to specifically require that no pre-assigned relationship based on pre-defined protocols exist between the gateway device and the source computer in order to grant network access.

In the present invention, access by the source computer without requiring a pre-assigned relationship with the gateway device is paramount because the gateway device is capable of providing dynamic authentication to a *source*. As defined in claims 1 and 10 and in the specification of the present invention the *source* is associated with the source computer. The source is not, in and of itself, the source computer. As the specification defines at page 10, beginning at line 26, "Users and computers attempting to access a network **20** or online service **22** via the gateway device **12** are referred to hereinafter as sources. According to AAA methods and systems of the present invention, a source attempting to access a network via the gateway device **12** is authenticated based on attributes associated therewith. These attributes can include the identity of a particular user or computer, location through which access is requested, requested network or destination, and the like." These attributes include the MAC address of the computer, the user's password and or a VLAN tag for location identification. Thus the gateway device has the ability to grant authentication to a computer, to a user or to a location because the access is granted without requiring the source computer to be in a pre-assigned relationship with the gateway device based on pre-defined protocols. Thus, in the present invention, the transparency to the source computer provides for the method and systems of the present invention to grant authentication to users, computers and/or locations (for example, a specific access port in a hotel room, airport kiosk or the like). The source computers that access the network do so without the need to establish a pre-assigned relationship with the gateway device or to communicate with the gateway device via a pre-assigned or defined protocol.

Applicant respectfully submits that for this reason independent Claims 1, 10 and 17, which have been rejected under 35 U.S.C. § 102 (b) are not anticipated by the cited '499 Ankney reference and, are thus, patentable.

In addition, the dependent Claims that depend from Claims 1, 10, specifically Claims 2-9, 11-16 and 18-24 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

The '499 Ankney Patent Does Not Teach that No Configuration Software Need be Installed on the Source Computer to Access the Network

While the Applicant acknowledges that the '499 Ankney patent provides for secure user access to a public data network "without requiring individual customers or device manufacturers to *modify* their hardware or software" (Column 7, lines 17-19), modification of software is not equivalent to the need to install configuration software on the host computer. As previously discussed, the host computer in the '499 Ankney patent must support call request protocol and, thus a pre-configuration function is necessary as a precursor to implementing the protocol for call requests. This pre-configuration necessitates the need to install a configuration agent on the host computer.

As defined in independent Claims 1 and 10, and in the specification at the paragraph on page 14, beginning at line 18, the source computer requires no configuration software installed on the source computer to access the network. By not requiring configuration software, the source computer is able to access the network on-the-fly at any location without burdening the computer with unnecessary configuration agents or software. No configuration software is required because the source computers and the gateway device do not require a pre-assigned relationship. The authentication that is granted through the gateway device is by an attributed associated with the source. This attribute may be an ID of the source computer, an ID of the user or an ID of the location from which access is being sought. The fact that the user's terminal can access the gateway without having a pre-defined relationship makes the present invention highly

advantageous to the user in a nomadic environment. For example, if the user is located in a hotel room, an airport kiosk or the like, the user can access the gateway and, thus, the network without having to add additional software to their terminal or without having to re-configure their terminal.

Since independent Claims 1 and 10 specifically require that no configuration software be installed on the source computer for the purpose of accessing the network and the '499 Ankney patent requires the host computers to be dually configured to support call request record/protocol, applicant respectfully submits that for this reason independent Claims 1 and 10, which have been rejected under 35 U.S.C. § 102 (b) are not anticipated by the cited '499 Ankney reference and, are thus, patentable.

In addition, the dependent Claims that depend from Claims 1, 10, specifically Claims 2-9 and 11-16 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

35 U.S.C. § 103 (a) Rejections

Claims 17 and 20-24 stand rejected as being unpatentable over United States Patent No. 5,113,499, issued to Ankney et al. (the '499 Ankney patent) in view of United States patent No. 6,317,790, issued to Bowker et al. (the '790 Bowker patent).

According to the Office Action, the '499 Ankney patent in combination with the '790 Bowker patent teach all of the elements of independent Claim 17.

The '499 Ankney Patent nor '790 Bowker Patent Teach a Gateway Device that Enables the Source to Communicate with a Network Without Requiring the Source Computer to Include Network Software Configured for the Network

Similar to the arguments present to distinguish the '499 Ankney patent from independent Claims 1 and 10, independent Claim 17 requires the gateway to enable the source to communicate with a network without requiring the source computer to include network software configured for the network. Neither the '499 Ankney patent nor the '790 Bowker patent provide

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for a gateway device that enables the source to communicate with a network without requiring the source computer to include network software configured for the network.

We disagree with the Examiners assertion that the Ankney patent teaches and suggests this limitation. In fact, the specific reference that the Examiner cites, Column 5, line 46 – Column 6, line 18 teaches the contrary. This passage teaches that the source computer must support a pre-defined protocol, i.e., call request protocol in order for the source computer to access the network. Such support of the CR protocol necessitates that the source computer include network software, i.e. CR protocol software, to access the network. The '790 Bowker patent teaches redirection at a Web server and does not teach or suggest the use of a gateway device that provides network access.

Since independent Claim 17 specifically requires the gateway to enable the source to communicate with a network without requiring the source computer to include network software configured for the network and the '499 Ankney patent and '790 Bowker patent provide no teaching of such, applicant respectfully submits that for this reason independent Claim 17, which has been rejected under 35 U.S.C. § 103 (a) is not unpatentable over the '499 Ankney reference in view of the '799 Bowker patent and, is thus, patentable.

Further, as mentioned above, the dependent Claims that depend from Claim 17, specifically Claims 18-24 add further limitations to the independent claims and, as such, as a matter of law, if the independent claims are found patentable so too should the accompanying dependent claims.

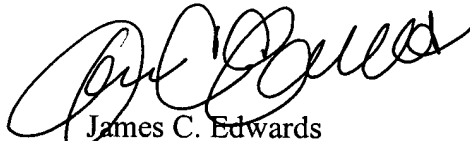
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### **Conclusion**

In view of the proposed amended claims and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

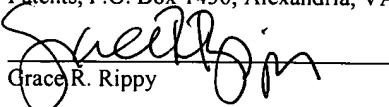


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